

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 28**

STARBUCKS CORPORATION

and

Case 28-CA-291044

**WORKERS UNITED a/w SERVICE
EMPLOYEES INTERNATIONAL UNION**

COMPLAINT AND NOTICE OF HEARING

This Complaint and Notice of Hearing is based on a charge filed by Workers United a/w Service Employees International Union (the Union). It is issued pursuant to Section 10(b) of the National Labor Relations Act (the Act), 29 U.S.C. § 151 et seq., and Section 102.15 of the Rules and Regulations of the National Labor Relations Board (the Board) and alleges that Starbucks Corporation (Respondent) has violated the Act as described below.

1. (a) The charge in this proceeding was filed by the Union on February 22, 2022, and a copy was served on Respondent by U.S. mail on February 23, 2022.

(b) The amended charge in this proceeding was filed by the Union on April 5, 2022, and a copy was served on Respondent by U.S. mail on April 6, 2022.

2. (a) At all material times, Respondent has been a corporation with an office and place of business in Phoenix, Arizona (Respondent's facility), and has been engaged in operating public restaurants selling food and beverages.

(b) In conducting its operations during the 12-month period ending February 22, 2022, Respondent derived gross revenues in excess of \$500,000.

(c) During the period of time described above in paragraph 2(b), Respondent, in conducting its operations described above in paragraph 2(a), purchased and

received at Respondent's facility goods valued in excess of \$5,000 directly from points outside the State of Arizona.

(d) At all material times, Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

3. At all material times, the Union has been a labor organization within the meaning of Section 2(5) of the Act.

4. At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent within the meaning of Section 2(11) of the Act and agents of Respondent within the meaning of Section 2(13) of the Act:

(b) (6), (b) (7)(C)

5. (a) From about (b) (6), (b) (7)(C) 2022, to about (b) (6), (b) (7)(C) 2022, Respondent's employee (b) (6), (b) (7)(C) engaged in concerted activities with other employees for the purposes of mutual aid and protection and concertedly complained to Respondent regarding the wages, hours, and working conditions of Respondent's employees, by raising concerns with others and with Respondent about understaffing, hours, supervisors' treatment of employees, and other terms and conditions of employment.

(b) About (b) (6), (b) (7)(C) 2022, Respondent, by (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) at Respondent's facility, interrogated its employees about their protected concerted activities or union activities.

(c) About (b) (6), (b) (7)(C) 2022, Respondent, by (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) at Respondent's facility, by stating that employees damaged trust and had to do work to repair the

trust and the relationship because of their union activities, threatened employees with unspecified reprisals because of their union activities.

(d) About (b) (6), (b) (7)(C) 2022, Respondent, by (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C), at Respondent's facility, interrogated its employees about their protected concerted activities or union activities, and/or the protected activities or union activities of their coworkers.

(e) About (b) (6), (b) (7)(C) 2022, Respondent, by (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C), at Respondent's facility, interrogated its employees about their protected concerted activities or union activities, and/or the protected activities or union activities of their coworkers.

6. (a) About (b) (6), (b) (7)(C) 2022, Respondent began an investigation into alleged conduct of its employee (b) (6), (b) (7)(C) on (b) (6), (b) (7)(C) 2022, and (b) (6), (b) (7)(C) 2022.

(b) About (b) (6), (b) (7)(C) 2022, Respondent issued a written warning to its employee (b) (6), (b) (7)(C).

(c) From about (b) (6), (b) (7)(C) to (b) (6), (b) (7)(C), 2022, Respondent conducted an Ethics and Compliance investigation into alleged conduct of its employee (b) (6), (b) (7)(C).

(d) Respondent engaged in the conduct described above in paragraph 6(a) through 6(c) because (b) (6), (b) (7)(C) engaged in the conduct described above in paragraph 5(a), and to discourage employees from engaging in these or other concerted activities.

7. (a) About (b) (6), (b) (7)(C) 2022, Respondent required its employee (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) to submit medical documentation regarding (b) (6), (b) (7)(C) previously granted accommodations.

(b) About (b) (6), (b) (7)(C) 2022, Respondent rescinded its employee (b) (6), (b) (7)(C) previously granted accommodations.

(c) About (b) (6), (b) (7)(C) 2022, Respondent placed its employee (b) (6), (b) (7)(C) on an indefinite and unpaid Leave of Absence.

(d) Respondent engaged in the conduct described above in paragraph paragraphs 6(a) through 6(c), and 7(a) through 7(c) because the named employees of Respondent formed, joined, or assisted the Union and engaged in concerted activities, and to discourage employees from engaging in these activities.

(e) Respondent engaged in the conduct described above in paragraphs 6(a) through 6(c), and 7(a) through 7(c) because the named employees of Respondent gave testimony to the Board in the form of affidavits, were named in a charge in Case 28-CA-289622, and/or cooperated in a Board investigation in Case 28-CA-289622.

8. By the conduct described above in paragraph 5, Respondent has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.

9. By the conduct described above in paragraphs 6(a) through 6(c), and 7(a) through 7(d), Respondent has been discriminating in regard to the hire or tenure or terms or conditions of employment of its employees, thereby discouraging membership in a labor organization in violation of Section 8(a)(1) and (3) of the Act.

10. By the conduct described above in paragraphs 6(a) through 6(c), 7(a) through 7(c), and 7(e), Respondent has been discriminating against employees for filing charges or giving testimony under the Act in violation of Section 8(a)(1) and (4) of the Act

11. The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

The General Counsel seeks an Order providing for all relief as may be just and proper to remedy the unfair labor practices alleged, including, but not limited to, requirements that Respondent:

(a) physically post and electronically distribute the Notice to Employees at all of Respondent's facilities in the United States and its Territories;

(b) electronically distribute the Notice to Employees to all employees employed by Respondent in the United States and its Territories by text messaging, posting on social media websites, and posting on internal apps, if Respondent communicates with its employees by such means;

(c) at a meeting or meetings scheduled to ensure the widest possible attendance, have (b) (6), (b) (7)(C) read the Notice to Employees and an Explanation of Rights to employees employed by Respondent at Respondent's facility on work time in the presence of a Board agent, a representative of the Union, and (b) (6), (b) (7)(C) or have a Board agent read the Notice to Employees and an Explanation of Rights to employees employed by Respondent at Respondent's facility on work time in the presence of a representative of the Union, (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C); and

(d) make (b) (6), (b) (7)(C) whole, including, but not limited to, by reimbursement for consequential harm (b) (6), (b) (7)(C) incurred as a result of Respondent's unlawful conduct.

The General Counsel further seeks all other relief as may be just and proper to remedy the unfair labor practices alleged.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the complaint. The answer must be

received by this office on or before April 27, 2022, or postmarked on or before

April 26, 2022. Respondent also must serve a copy of the answer on each of the other parties.

The answer must be filed electronically through the Agency's website. To file electronically, go to www.nlr.gov, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. Responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE THAT at 9:00 a.m. (local time) on **June 14, 2022**, and on consecutive days thereafter until concluded, at a location and by a means and method to be determined, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated at Phoenix, Arizona, this 13th day of April 2022.

/s/ **Cornele A. Overstreet**

Cornele A. Overstreet, Regional Director

Attachments

**UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
NOTICE**

Case 28-CA-291044

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements ***will not be granted*** unless good and sufficient grounds are shown ***and*** the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds must be set forth in ***detail***;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and
- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

Adam-Paul Tuzzo, Attorney at Law
Littler Mendelson, P.C.
111 East Kilbourn Avenue, Suite 1000
Milwaukee, WI 53202

Brittany L. Stepp, Attorney at Law
Littler Mendelson, PC
Three Parkway
1601 Cherry Street, Suite 1400
Philadelphia, PA 19102

Robert S. Giolito, Attorney at Law
Law Office of Robert S. Giolito PC
1626 Montana Avenue, Suite 201
Santa Monica, CA 90403

(b) (6), (b) (7)(C)
Starbucks Corporation
7000 East Mayo Boulevard, Suite 28
Phoenix, AZ 85054

Starbucks Corporation
c/o The Prentice-Hall Corporation
8825 North 23rd Avenue, Suite 100
Phoenix, AZ 85021

Daisy Pitkin
Workers United a/w SEIU
22 South 22nd Street
Philadelphia, PA 19103